

Remarks

In the Office Action mailed November 2, 2006, the claims were divided into 3 groups. Please note that the claims were amended at the time of filing.

Group I - including claims 1-6 drawn to a nerve regeneration device;

Group II - including claims 7-10 drawn to a method for preparing a nerve regeneration device; and

Group III - including claims 11-14 drawn to a method of nerve repair and regeneration.

Applicants elect with traverse, Group I including claims 1-6.

Claims 1-14 Share Unity of Invention

Legal Standard

Unity of invention (not restriction) practice is applicable in international applications (both Chapter I and II) and in national stage applications submitted under 35 U.S.C. § 371. MPEP § 1893.03(d). A group of inventions is considered linked to form a single general inventive concept where there is a technical relationship among the inventions that involves at least one common or corresponding special technical feature. The expression special technical features is defined as meaning those technical features that define the contribution which each claimed invention, considered as a whole, makes over the prior art.

Analysis

The above referenced application was filed as a national phase application under 35 U.S.C. § 371. Thus, unity of invention and not restriction practice is applicable. The

Examiner misapplied the unity of invention standard and restricted the claims into three groups. Each group of claims shares the special technical feature of a polyhydroxyalkanoate polymer in the form of a porous conduit wherein the polyhydroxy alkanoate polymer comprises 4-hydroxybutyrate.

Independent claim 1 of Group I defines a nerve regeneration device comprising a polyhydroxyalkanoate polymer in the form of a porous conduit wherein the polyhydroxy alkanoate polymer comprises 4-hydroxybutyrate. Claims 2-6 of Group I depend from claim 1, and therefore incorporate all of the elements of claim 1.

Independent claim 7 of Group II defines a method of preparing a nerve regeneration device comprising a polyhydroxyalkanoate polymer in the form of a porous conduit wherein the polyhydroxy alkanoate polymer comprises 4-hydroxybutyrate. Claims 8-10 of Group II depend from claim 7, and therefore incorporate all of the elements of claim 7.

Independent claim 11 of Group III defines a method of nerve repair or generation by providing a nerve regeneration device comprising a polyhydroxyalkanoate polymer in the form of a porous conduit wherein the polyhydroxy alkanoate polymer comprises 4-hydroxybutyrate. Claims 12-14 depend from claim 11, and therefore include all the elements of claim 11.

A group of inventions is considered linked to form a single general inventive concept where there is a technical relationship among the inventions that involves at least one common or corresponding special technical feature. As discussed above, each pending claim includes the special technical feature of a polyhydroxyalkanoate polymer in the form of a porous conduit wherein the polyhydroxy alkanoate

polymer comprises 4-hydroxybutyrate. Thus, claims 1-14 share unity of invention and the rejection should be withdrawn.

Allowance of claims 1-14 is respectfully solicited.

Respectfully submitted,

/Patrea L. Pabst/

Patrea L. Pabst

Reg. No. 31,284

Date: December 4, 2006

PABST PATENT GROUP LLP
400 Colony Square, Suite 1200
1201 Peachtree Street
Atlanta, Georgia 30361
(404) 879-2151
(404) 879-2160 (Facsimile)